THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.16071 of 1999

Dated : 23.04.2007

Between:

Sri Venkateswara Cooperative Collective Farming Society, Reg.No.309, Pedapatnam Lanka, Mamidi Kuduru Mandal, East Godavari District, represented by its President and others.

... **PETITIONERS**

And:

The District Collector, Kakinada, East Godavari District and others.

....**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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ORDER:

The first petitioner is a Co-operative Society and petitioners 2 to 54 are its members, and they claim to be landless poor persons. They alleged to have been in possession and enjoyment of Government lanka lands admeasuring Acs.23.16 cents, Acs.51.62 cents, and Acs.10.37 covered by Lanka Nos.1161, 898 and 1216, respectively. During the years 1969-70, Government of Andhra Pradesh leased out the said land in favour of the petitioners for a period of five years, and accordingly, they cultivated the same by paying lease amount regularly. Subsequently, petitioners occupied and cultivating an extent of Acs.40.00 of land covered by Sy.Nos.325, 327, 330, 331 and 332 of Pedapatnam lanka, which is newly formed lanka land, adjacent to the lands in their occupation. Thereafter, after expiry of the lease,

petitioners applied to the first respondent for renewal of the lease. Meanwhile, G.O.Ms.Nos.970 Revenue (Q) Department, dated 26.08.1976, G.O.Ms.No.485 Revenue (Q) Department, dated 30.04.1977 and also Memo No.2003/A1/77-A Revenue dated 24.06.1977 were issued framing certain rules for grant of permanent pattas with respect to lanka lands in East Godavari, West Godavari, Krishna and Guntur District. Pursuant to the said Government Orders, petitioners were granted pattas to an extent of Ac.0.50 cents of land each in the lanka lands, which were in their initial possession. In the year 1980-81, survey was conducted by the authorities and the Inspector of Survey found that petitioners 2 to 54 have been in occupation of the land in Sy.Nos.325, 327, 330, 331 and 332 (re-numbered as R.S.Nos.8,10,13 and 14) of Mujuvaram revenue village of Gannavaram Mandal, and the petitioners also acquired rights as sivaijamadars and eligible for grant of pattas as per the Government Orders referred to above. Though the first petitioner-society made several representations for grant of pattas in respect of the lands occupied by them subsequently, the first respondent did not take any action to grant pattas to petitioners, instead, tried to dispossess them from the said lands. Therefore, petitioners were constrained to file Writ Petition No.18303 of 1993, and the same was disposed of directing the petitioners to submit a fresh representation to the first respondent, who, in turn, shall dispose of the same after giving notice to all the affected parties in the light of the above said Government Orders. Pursuant to the said direction, petitioners 2 to 54 submitted representations to the first respondent, and the first respondent, without assigning any reasons and without giving any opportunity to the petitioners, rejected to grant pattas to them, vide endorsement dated 15.07.1998. Hence, this writ petition.

Despite service of notice, the respondents have not chosen to file any counter.

Heard the learned counsel for the petitioners and the learned Government Pleader for Cooperation.

No doubt, a perusal of the impugned endorsement shows that the first respondent referred to G.O.Ms.Nos.970 and 485 dated 25.08.1976 and 30.04.1977, respectively, while making the impugned endorsement dated 15.07.1998 refusing to grant pattas to the petitioners. But, it does not speak as to what prompted the first respondent to come to such a conclusion. The first respondent is expected to pass a reasoned order stating the circumstances under which he came to the conclusion that the petitioners are not entitled for the relief sought by them. As the impugned endorsement does not say any reasons, the matter is remitted back to the first respondent for considering the representations of the petitioners for allotment of pattas and pass appropriate orders assigning reasons.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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23.04.2007

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